

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

**TRI STATE ADVANCED SURGERY
CENTER, LLC, GLENN A. CROSBY II, M.D.,
F.A.C.S., and MICHAEL HOOD, M.D.,**

Plaintiffs,

vs.

Civil Action No. 3:14-CV-00143-JM

**HEALTH CHOICE, LLC,
and CIGNA HEALTHCARE OF TENNESSEE, INC.,**

Defendants.

**CONNECTICUT GENERAL LIFE INSURANCE
COMPANY, CIGNA HEALTH AND LIFE
INSURANCE COMPANY, and CIGNA
HEALTHCARE OF TENNESSEE, INC.,**

Counterclaim-Plaintiff,

vs.

**SURGICAL CENTER DEVELOPMENT, INC. D/B/A
SURGCENTER DEVELOPMENT, and TRI STATE
ADVANCED SURGERY CENTER, LLC,**

Counterclaim-Defendants.

**DEFENDANT HEALTH CHOICE, LLC'S RESPONSE TO PLAINTIFFS' MOTION
FOR LEAVE TO FILE AMENDED COMPLAINT**

Plaintiffs filed their Motion for Leave to File an Amended Complaint on May 15, 2015 (Dkt. 80)("Plaintiffs' Motion"), twenty-nine days after this Court entered its Order dismissing with prejudice Plaintiffs' Sherman Act claims and declining to exercise supplemental jurisdiction

over Plaintiffs' state-law claims. Co-defendants/Counterclaim-Plaintiffs' (the "CIGNA Parties") filed their Response to Plaintiffs' Motion for Leave to File Amended Complaint on May 29, 2015 (Dkt. 85). The CIGNA Parties' Response includes each of Defendant Health Choice, LLC's ("Health Choice") arguments in opposition to Plaintiffs' Motion. To preserve judicial economy and to avoid any undue expense in drafting duplicative pleadings, Health Choice hereby joins, adopts, and incorporates herein the arguments made by the CIGNA Parties in their Response to Plaintiffs' Motion for Leave to File an Amended Complaint.

WHEREFORE, Health Choice prays that this Court deny Plaintiffs' Motion for Leave to File Amended Complaint, and for all other just and proper relief.

Respectfully submitted,

BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, P.C.

/s/Leigh M. Chiles

Leo Bearman Jr. (TN # 8363)
Leigh M. Chiles (AR # 98223, TN # 25809)
Matthew S. Mulqueen (TN # 28418)
165 Madison Avenue, Suite 2000
Memphis, Tennessee 38103
lbearman@bakerdonelson.com
lchiles@bakerdonelson.com
mmulqueen@bakerdonelson.com
901-526-2000 (telephone)
901-577-2303 (facsimile)

Lea Carol Owen (TN # 19531)
211 Commerce Street, Suite 800
Nashville, Tennessee 37201
615-726-5600 (telephone)
615-744-5610 (facsimile)
cowen@bakerdonelson.com

Attorneys for Defendant Health Choice, LLC

CERTIFICATE OF SERVICE

I certify that on this 5th day of June, 2015, I served the foregoing on the following counsel of record via the Court's ECF system:

Scott E. Poynter, Esq.
William Thomas Crowder, Esq.
Corey Darnell McGaha, Esq.
Emerson Poynter, LLP
1301 Scott Street
Little Rock, AR 72202

John E. Tull, III
Chad W. Pekron
R. Ryan Younger
Quattlebaum, Grooms & Tull PLLC
111 Center Street, Suite 1900
Little Rock, AR 72201

Deborah J. Winegard, Esq.
Whatley Kallas, LLP
1068 Virginia Avenue NE
Atlanta, GA 30306

John G. Emerson, Jr., Esq.
Emerson Poynter LLP
830 Apollo Lane
Houston, TX 77058

Joe Whatley, Jr., Esq.
W. Tucker Brown, Esq.
Whatley Kallas, LLP
2001 Park Place North, Suite 1000
Birmingham, AL 35203

Edith M. Kallas, Esq.
Whatley Kallas, LLP
1180 Avenue of the Americas, Suite 2000
New York, NY 10036

Joshua B. Simon
Warren Haskel
Dmitriy G. Tishyevich
Kirkland & Ellis LLP
601 Lexington Avenue
New York, NY 10022

/s/Leigh M. Chiles

Leigh M. Chiles